

ORDER

Came on for consideration the above-captioned action wherein Nicholas D. Johnson ("Johnson") is applicant and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On June 2, 2009, United States Magistrate Judge Charles Bleil issued his proposed findings, conclusions, and recommendation ("FC&R"), and ordered that the parties file objections, if any thereto, by June 23, 2009. Johnson timely filed his objections.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a <u>de novo</u> determination of those portions of the proposed findings,

¹Applicant refers to his application as "petition" and to himself as "petitioner." Consistent with the language of 28 U.S.C. § 2254, the court uses the terms "applicant" and "application" instead of "petitioner" and "petition."

conclusions, and recommendation to which specific objection is made. <u>United States v. Raddatz</u>, 447 U.S. 667, 673-75 (1980). The court need not address any nonspecific, frivolous, or conclusory objections. <u>Battle v. United States Parole Comm'n</u>, 834 F.2d 419, 421 (5th Cir. 1987).

The magistrate judge recommends that Johnson's application be dismissed because Johnson has not shown that he has obtained leave to file a successive application. The court need not address Johnson's objections because none of them address anything contained in the FC&R. Therefore,

The court accepts the findings, conclusions, and recommendation of the magistrate judge and ORDERS that the application of Nicholas D. Johnson for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be, and is hereby, dismissed.

SIGNED June 25, 2009.

JOHN MCBRYDE

United States District Judge